

011-1483
DEC 01 2005
PATENT & TRADEMARK OFFICE

XP JFW

DocCode: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

1958:2005=000

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 11-28-05

Signature Mary J. Dawson

Typed or printed name MARY J. DAWSON

Application Number

09/641,223

Filed

8/17/2000

First Named Inventor

Lory Molesky

Art Unit

2166

Examiner

S. T. Channavajjala

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s). (See REMARKS for Pre-Appeal Brief Request for Review)
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ attorney or agent of record.
Registration number 36,558
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

Rodney D. Johnson
Signature

Rodney D. Johnson

Typed or printed name

978-202-3289

Telephone number

11/28/2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lory Molesky and Robert Hanckel

Application No.: 09/641,223. Group: 2166

Filed: August 17, 2000 Examiner: Channavajjala, Srirama T.

Confirmation No.: 4357

For: INTERVAL-BASED ADJUSTMENT SYSTEM FOR DATABASES

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>11-28-05</u>	<u>Mary J. Dawson</u>
Date	Signature
<u>Mary J. Dawson</u>	
Typed or printed name of person signing certificate	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Pre-Appeal Brief Request for Review is being filed with a Notice of Appeal in response to the Final Office Action mailed from the U.S. Patent and Trademark Office on May 26, 2005.

REMARKS

Claims 1-78 are pending in the application. All claims have been finally rejected under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,338,067 to Baker et al. in view of U.S. Patent No. 6,256,628 to Dobson et al. The Examiner has failed to establish a prime facie rejection under 35 U.S.C. § 103(a).

Briefly, the Applicants claim a method and system for applying adjustments to "time series data in response to retrieval of an adjusted time series data value from a database." The claimed invention may be best understood in terms of historical closing stock prices.

The closing price for a share of stock is reported daily and can be stored in a database. One can then compare stock prices over a period of time to, for example, identify trends. The raw stock prices stored in the database may not be directly comparable over the period of time. One common reason is the effect of stock splits.

For example, a 2-for-1 stock split typically results in a stock's value dropping by one-half in one day. One looking only at the raw data would assume that the stock has lost value. In reality, however, each share of stock is now 2 shares and the reported price represents one half of an old share. When the stock prices are adjusted for the stock split, historical stock prices can be compared in context.

Prior art techniques of applying stock split data typically relied on custom programming. In essence, closing stock prices would be retrieved from the databases. A program would then use the split data to adjust the stock prices. The Applicants avoid that custom program by retrieving adjusted data values directly from the database. It is therefore the database that creates the adjusted data values as part of the retrieval operation. The cited references suggest no such method.

Baker discusses a product hierarchy database. The Baker database stores many data items, including stock prices and split information. According to Baker, the stored data is merely returned and displayed to a user. There is no suggestion of retrieving adjusted stock prices (i.e. split data applied to stored stock prices) from the database.

Dobson discusses a technique for data charting. Dobson does not retrieve adjusted data values from a database. Dobson is only concerned with the visual aspect of charting. According to Dobson, data can be rescaled when displayed.

As can be seen in FIGs. 1 and 2 of Dobson, the user can adjust boundary lines (14', 14'') on the displayed chart. When the lower boundary line (14') is moved downward, the scale below the lower boundary line (14') is compressed, while the scale between the boundary lines (14', 14'') is expanded. The data, however, is not changed. That is, a data point having a value of 80% in FIG. 1 still has a value of 80% in FIG. 2.

The claimed invention and the cited references are also summarized in the Request for Reconsideration Under 37 C.F.R. § 1.116, which was filed on July 26, 2005, at page 2, line 10 through page 3, line 23.

Rejection Misses Essential Elements of Claims

First, all claims recite that the raw data values are organized as a series in a first database structure, and the plurality of intervals of adjustment data are stored in a second database structure.

The Examiner states that Baker stores raw data values as a series in a first database structure. Although Baker stores split data, the Examiner admits that Baker does not suggest intervals of adjustment data. (Final Office Action, May 26, 2005, page 4, lines 12-14.) For that limitation, the Examiner relies on Dobson. (Final Office Action at page 4, lines 14-20.)

Even if Dobson's chart scaling factor is suggestive of the claimed "intervals of adjustment data", there is no suggestion to store those scaling factors in any database structure. Such chart scaling is done on-the-fly by a viewer of the data, and has no other use or purpose. As such, Dobson would not store the scaling factors in the database. Moreover, the Examiner does not provide any motivation for Dobson's scaling factor to be stored in the database.

Second, the claimed invention requires that adjustment values be applied "in response to retrieval of an adjustment data value from database." Baker does not apply split values to raw data values. Dobson does not address retrieval of data, and therefore also does not suggest applying any adjustment data to raw data values upon retrieval.

The Examiner merely points to the storage of information in Baker's database. The Examiner does not cite where, in the prior art, an adjustment data value is applied to raw data values upon retrieval of the adjusted data values.

Absent the above claim limitations in the cited references, the Office cannot maintain a prima facie rejection under 35 U.S.C. § 103(a).

Combined References Fail to Yield the Claimed Invention

Even if the database structure of Baker were combined with the charting display system of Dobson, the result would be a prior art stock charting system. Dobson would merely plot data retrieved from Baker's database. A displayed price window could then be selected and rescaled as desired by user. Neither reference suggests how to combine stock split data with the retrieved stock price data.

If a user wished to adjust stock prices to account for stock splits, neither Baker nor Dobson offer a solution. The user would need to find another technique to process the data from Baker's database, such as custom programming.

By defining an association between stock split data and stock pricing data in the database, the adjusted stock prices can be retrieved in response to a request to the database.

CONCLUSION

In view of the above Remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By


Rodney D. Johnson

Registration No. 36,558

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: November 28, 2005

OID-1999-128-01